
By: **Senator Hafer**

Introduced and read first time: January 23, 2004

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Dental Examiners - Hearings**

3 FOR the purpose of repealing a certain requirement that certain documents relating
4 to a disciplinary hearing be served on certain individuals by a certain date and
5 in a certain manner; requiring certain individuals whom the State Board of
6 Dental Examiners finds to be in violation of certain professional standards to
7 pay certain costs associated with a certain hearing; requiring the Board to adopt
8 certain regulations; and generally relating to the practice of dentistry and
9 dental hygiene.

10 BY repealing and reenacting, with amendments,
11 Article - Health Occupations
12 Section 4-318
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health Occupations**

18 4-318.

19 (a) Except as otherwise provided in the Administrative Procedure Act, before
20 the Board takes any action under § 4-315 of this subtitle, it shall give the individual
21 against whom the action is contemplated an opportunity for a hearing before the
22 Board.

23 (b) The Board shall give notice and hold the hearing in accordance with the
24 Administrative Procedure Act.

25 [(c) At least 10 days before the hearing, the hearing notice and a copy of the
26 complaint required by § 4-316 of this subtitle shall be served on the individual by
27 delivery to the last known business and home addresses of the individual by:

28 (1) Hand delivery; or

1 (2) Certified mail, return receipt requested, bearing a postmark from the
2 United States Postal Service.]

3 [(d)] (C) In accordance with the State budget, the Board may authorize
4 payment of fees and travel expenses of witnesses who testify in a proceeding under
5 this section.

6 [(e)] (D) The individual may be represented at the hearing by counsel.

7 [(f)] (E) The Board may administer oaths and take depositions of witnesses in
8 any proceeding under this section.

9 [(g)] (F) (1) Over the signature of an officer or the administrator of the
10 Board, the Board may issue subpoenas and administer oaths to witnesses in
11 connection with any investigation under this title and any hearings or proceedings
12 before it.

13 (2) The Board shall issue subpoenas on behalf of the individual if the
14 individual requests in writing that the Board do so.

15 (3) If, without lawful excuse, a person disobeys a subpoena from the
16 Board or an order by the Board to take an oath or to testify or answer a question,
17 then, on petition of the Board, a court of competent jurisdiction may punish the
18 person as for contempt of court.

19 (4) If, without lawful excuse, an individual disobeys a subpoena from the
20 Board or an order by the Board to take an oath, testify, or answer a question, on
21 petition of the Board, a court of competent jurisdiction may compel compliance with
22 the subpoena.

23 [(h)] (G) If after due notice the individual against whom the action is
24 contemplated fails or refuses to appear, nevertheless the Board may hear and
25 determine the matter.

26 (H) (1) IF, AFTER A HEARING, AN INDIVIDUAL IS FOUND IN VIOLATION OF §
27 4-315 OF THIS SUBTITLE, THE INDIVIDUAL SHALL PAY THE COSTS ASSOCIATED WITH
28 THE HEARING.

29 (2) THE BOARD SHALL ADOPT REGULATIONS TO SPECIFY THE AMOUNT
30 TO BE PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2004.